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UNCLAS MANILA 001043

SIPDIS

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STATE FOR G/TIP AND EAP/MTS

E.O. 12958: N/A

TAGS: PHUM PREL RP

SUBJECT: New Trafficking Conviction

REF A: Manila 688

-- B: 05 Manila 6039

-- C: 05 Manila 5710

¶1. SUMMARY: A regional court in Zamboanga City on March 29 sentenced a member of a trafficking syndicate to life imprisonment under Republic Act 9208 for having recruited six victims and peddled them to a brothel in Sandakan, Malaysia. The case is the fifth conviction resulting in a jail sentence specifically under the 2003 Philippine anti-trafficking law. Septel will discuss prosecutions and convictions under related legislation. End Summary.

¶2. On March 29, the Sixteenth Regional Trial Court in Zamboanga City (Mindanao) found a defendant guilty of "qualified" trafficking under the Philippine Anti-Trafficking in Persons Act of 2003 (Republic Act 9208) and the Migrant Workers and Overseas Filipinos Act of 1995, sometimes called the "anti-illegal recruitment law" (Republic Act 8042), both of which carry life prison sentences, which the judge imposed. (Note: Under RA 9208, cases involving criminal syndicates or the trafficking of minors are automatically categorized as "qualified trafficking," which carries a stiffer penalty. End Note) He also fined the defendant six million pesos (USD 125,000) and ordered her to pay each of the six victims 200,000 pesos (USD 41,165) for "moral and exemplary damages, plus court costs." The convicted trafficker is expected to file an appeal but remains in jail.

¶3. According to the court's ruling, the defendant, together with other five members of a trafficking syndicate (still at large), convinced the six victims to work as entertainers in Malaysia with monthly salaries of 25,000 pesos (USG 520). In May 2005, the trafficker escorted the victims from Manila to Zamboanga City, where they boarded a ferry to Sandakan, Malaysia. A Malaysian national, allegedly the defendant's live-in partner, met the victims at the Sandakan wharf and escorted them to the VIP Pub. For about a month and a half, the six women were forced to provide sexual services to several customers each day against their will and were threatened and beaten up when they refused. The pub did not pay any of them for their work. The owner reportedly told them that they owed money to the pub for the expenses incurred in bringing them to Sandakan and that they must pay their debts by providing sexual services to the customers of the pub.

¶4. The victims were able to contact their families in the Philippines, who reported their case to the Philippine Department of Foreign Affairs (DFA), which instructed the victims to contact a Filipino volunteer in Sandakan to get word to Malaysian authorities.

On July 12, 2005, Malaysian immigration authorities took into custody all six victims, together with the defendant and her Malaysian partner. (The Malaysian authorities later apparently released from jail the defendant's Malaysian partner.) The victims said that the Malaysian national tried to bail out the defendant from the Malaysian authorities, but without any success. For three weeks, the victims and the defendant remained in a Malaysian detention center for deportees, after which they were repatriated to Zamboanga, thanks to the efforts of a Philippine Embassy volunteer.

The Philippine Embassy then coordinated with the Philippine National Bureau of Investigation on the arrest of the defendant.

¶15. The same team of prosecutors and judge who prosecuted the first Philippine TIP conviction in Zamboanga (refs b and c) also handled this case. Lead prosecutor Ricardo Cabaron (the winner of the Embassy's prestigious Benigno "Ninoy" Aquino Fellowship in Public Service in 2007) and assistant prosecutor Darlene Pajarito filed the case on August 24, 2005 and conducted the prosecution until May 2006, but Judge Jesus Carbon took ten months to issue his verdict.

¶16. Comment: This case is the country's fifth conviction under RA 9208 resulting in a jail sentence, and Zamboanga City's second TIP case with convictions. The judicial system in the Philippines is notoriously time-consuming, but Philippine authorities are increasingly utilizing a variety of laws to go after the many types of traffickers, as septel will discuss in greater depth.

KENNEY